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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Reissue Application of) PATENT APPLICATION #
John M. Hess III et al.) SEA0820P0882US (SC-140 RE)
Serial No.: Not Yet Designated) Group Art Unit: Not Yet Designated
(Reissue of Patent No. 6,050,451)
Issued April 18, 2000)
Filed: Concurrently Herewith)
For: DISPENSING STRUCTURE)
INCORPORATING A VALVE-)
CONTAINING FITMENT FOR)
MOUNTING TO A)
CONTAINER AND A)
PACKAGE WITH A)
DISPENSING STRUCTURE)
Examiner: Not Yet Designated)



INFORMATION DISCLOSURE STATEMENT

BOX REISSUE
Commissioner For Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.97, the art identified on the attached form PTO-1449 and other matters discussed below may be helpful to the Patent Office in its examination of the application identified above.

A copy of each of the documents is enclosed herewith for the Examiner's consideration, except for the document numbers preceded by an "@" sign because those documents were cited in, and are part of, the file of the original U.S. Patent No. 6,050,451, of which the above-identified application is a reissue application.

The following comments are directed to documents disclosed in the accompanying Form PTO-1449. Copies of U.S. Patent Nos. 5,873,491 and 6,079,594

Reissue Of U.S. Patent No. 6,050,451 - - - - 2

are enclosed even though copies of the corresponding original patent applications, serial numbers 08/843,165 and 08/915,960, respectively, are of record in the original U.S. Patent No. 6,050,451, of which the above-identified application is a reissue application.

Photographs A-1 and A-2 show a pouch fitment and threaded lid manufactured by Menshen. Photograph A-1 shows a side elevational view with the lid screwed closed on the fitment. Photograph A-2 shows a bottom view of the fitment and lid removed from the fitment. The lid has a dispensing aperture, and the fitment is hollow but has an internal member around which is a flow path or dispensing passage that is occluded when the lid is screwed closed on the fitment. The assembly does not contain a flexible, self-sealing slit valve.

Photograph B-1 and B-2 show another pouch fitment and lid manufactured by Menshen. The lid is telescopically mounted for sliding up and down on the fitment. Photograph B-1 shows a side elevational view with the lid slid up on the fitment to a dispensing position. The white material in the background projecting outwardly behind the pink lid is not part of the lid; it is merely a piece of white tape used to support the assembly for photographic purposes. Photograph B-2 shows a bottom view of the fitment and lid. The lid has a dispensing aperture, and the fitment is hollow but has an internal member around which is a flow path or dispensing passage that is occluded when the lid is slid down on the fitment to a closed position. The assembly does not contain a flexible self-sealing slit valve.

Photographs C-1 and C-2 show a pouch, pouch fitment, and threaded lid manufactured by Hensen. Photograph C-1 shows a side elevational view with the lid screwed closed on the fitment. Photograph C-2 shows a top view of the fitment with the lid removed from the fitment and inverted to show the underside of the lid. The lid does not have a dispensing aperture. The fitment is hollow and accommodates flow of product from the pouch after the lid is unscrewed and removed from the fitment. The assembly does not contain a flexible self-sealing slit valve.

Photographs D-1 and D-2 show a pouch, pouch fitment, and threaded lid manufactured by Menshen. Photograph D-1 shows a side elevational view with the lid screwed closed on the fitment. Photograph D-2 shows a top view of the fitment with the lid removed from the fitment and inverted to show the underside of the lid. The lid does not have a dispensing aperture. The fitment is hollow and accommodates flow of product from pouch after the lid is unscrewed and removed from the fitment. The assembly does not contain a flexible self-sealing slit valve.

Applicants believe that the structures shown in the Photographs A-1, A-2, B-1, B-2, C-1, C-2, D-1, and D-2 are typical of conventional fitment structures, and are admitted to be prior art.

The applicants' copy of GB 2,059,383 included only the cover sheet, and applicants have none of the other pages of that document.

For the eleven documents which are listed on the Form PTO-1449 and which are not in the English language, there is set forth below a concise explanation of the relevance, insofar as each of the eleven documents was understood by Mr. L.

Reissue Of U.S. Patent No. 6,050,451 - - - 4

Decottignies, who was an employee of a related company of the assignee of the above-captioned reissue application. Mr. Decottignies reads and understands both English and French. His comments are set forth below:

French Document No. 90 13813 (Publication No. 2,668,756)

Pump 18 is sealed to the bag 62, and the filling of the bag is through the pump 18 as shown in FIG. 11.

French Document No. 90 14316 (Publication No. 2,669,306)

Discloses a method of fixing the plastic bag 6 (FIG. 5) in one piece on the body 4 through the fixation 28 as shown in FIG. 6.

French Document No. 91 1594 (Publication No. 2,718,372)

Discloses a way in which a pump 5 is fixed on the neck 1 of the snap-on portion 7 (FIG. 3).

French Document No. 93 11301 (Publication No. 2,710,036)

Discloses a way in which the plastic bag 2 is fixed to a rigid neck 5 on an external body 7 (FIG. 1).

French Document No. 94 04181 (Publication No. 2,685,285)

A barrier bag 2 is sealed to the neck 5, and there is a vent 8 on the body 1 as shown in FIG. 3.

European Patent Document No. 0 354 137

This document discloses the overall concept of the combination of a bag, an external body, a neck, and an airless pump as shown in FIG. 2.

Reissue Of U.S. Patent No. 6,050,451 - - - - 5

European Patent Document No. 0 381 627

A barrier bag is sealed on an upper support 34. This subassembly is fixed on an external body 38 by compression between the body 38 and the capsule 54 shown in FIG. 6.

European Patent Document No. 0 410 857

This shows the fixing of a support 9 to an external body 4 as illustrated in FIG. 1.

European Patent Document No. 0 486 355

This discloses the sealing of a bag to a support 11 and discloses a way to fix the support 11 on a body 4 (FIG. 1).

European Patent Document No. 0 499 766

This document describes a process for fixing a bag on an external metallic body by deformation of the metallic body as shown in FIG. 5.

European Patent Document No. 0 696 479

This document illustrates the snap engagement of a pump 13 on an external body 2 as shown in FIG. 1.

For the remaining non-English language documents, the below-identified attorney, who reads only English, has the following comments:

FIGS. 2 and 5 of EP 0 505 611 appear to show an exterior container surrounding an interior container which includes a flexible bag which is collapsible (as shown in FIG. 4). The bag is secured to an internal, rigid upper cylinder (as at 26

shown in FIG. 3 and as at 142 shown in FIG. 5). FIG. 5 also appears to disclose a dispensing unit threaded onto the upper, outlet end of the exterior container.

FIGS. 4 and 5 of EP 0 585 908 appear to show a bag sealed to a spray valve or pump. Page 10 is missing and was not included in the applicants' copy.

Swiss patent document CH 677,093 A5 discloses a flexible pouch with a fitment having a threaded spout and a cap for threadingly engaging the spout.

WO 00/06464 discloses a fitment for a container having a deformable actuating wall. The fitment has a spout 59 with a breakaway closure 58.

WO 93/22220 discloses a product dispenser. FIG. 2 shows a flexible pouch which has an opening for receiving a fitment or base 7 having a weld face 10. The base 7 receives a dispensing member 8 (FIG. 1). FIG. 1 also discloses a container 4 having an upper opening for receiving a closure 19. The pouch is disposed within the container 4 as shown in FIG. 3.

Sheet 1 of 4 of the Form PTO-1449 attached to this Information Disclosure Statement lists, inter alia, six foreign patent documents: EP 160336, WO 96/38349, WO 97/08970, DE 297 06 158 U1, DE 297 06 159 U1, and GB 1,474,620. These six documents are of record in the original U.S. Patent No. 6,050,451. Of those, WO 96/38349, DE 297 06 158 U1, and DE 297 06 159 U1 are not in the English language, but a description of the pertinent disclosures of those documents was set forth in the Information Disclosure Statement as filed concurrently with the U.S. application 09/196,301 which was granted as the U.S. Patent No. 6,050,451.

Accordingly, the Examiner's attention is invited to that Information Disclosure Statement for an explanation of the relevance of such non-English language documents.

The order of listing of the art on the attached Form PTO-1449 should not be construed as an indication of the importance of the listed art.

The Patent and Trademark Office Examiner is requested to review the art and determine the extent of the materiality of the disclosures thereof with respect to the patentability of the subject invention. It is expected that the Patent and Trademark Office Examiner will independently conduct a complete search for relevant prior art.

No inference should be drawn and no representation is made or intended: (a) that a search has been made, or if made, was complete; (b) that the art on the attached list presents a comprehensive investigation of the prior art; or (c) that no more pertinent art than that listed is in existence. [See 37 C.F.R. §1.97(g)]

Citation of any art herein is not to be construed as an admission: (a) that the art disclosure is, or is considered to be, necessarily within the invention field of endeavor, pertinent to the instant invention, or equivalent to the instant invention; (b) that the art disclosure is, or is considered to be, necessarily prior in time to a particular date which may be relevant in the instant patent application; (c) that the art disclosure is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and/or (d) that the art disclosure is otherwise necessarily prior art with respect to the instant invention and application. [See 37 C.F.R. §1.97(g).]

Reissue Of U.S. Patent No. 6,050,451 - - - - 8

No inference should be drawn that the discussion of any art herein is a discussion of each and every feature disclosed therein.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosures of any document or other art, including the disclosures of the art cited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

Respectfully submitted,

ROCKEY, MILNAMOW & KATZ, LTD.

By _____


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